

**MINUTES
SPECIAL MEETING
DOVER CITY COUNCIL
COUNCIL CHAMBERS
WEDNESDAY
JULY 21, 2004**

6:15 P.M.

*(In order to meet a quorum, meeting was postponed until 7:00 p.m. -
The Closed Session Scheduled for 6:30 p.m. was postponed to August 4, 2004)*

A. ROLL CALL

Councilors Present: Darlene Colwell-Ellis, Doug DeDe, Mayor Pro Tem Jason Hindle, Mayor Scott Myers and Dean Trefethen. Also Present: Asst. City Manager Mike Joyal.

Councilors Absent: Robert Keays, Matt Mayberry and Otis Perry.

B. PLEDGE OF ALLEGIANCE

Councilor Colwell-Ellis led the Pledge of Allegiance.

**C. Ordinance #11-05/12/2004, Chapter 133, Peddlers and Vendors,
Various Sections. Sponsored by Mayor Scott Myers by Request. *(TO BE
REMOVED FROM TABLE)***

Hindle moved to remove from table, seconded by Trefethen.
Motion passed on an 8-0 roll call vote.

Hindle moved to adopt, seconded by Trefethen.

DeDe stated he is not in favor of this ordinance as it puts a second layer of administrative burden on the Chamber of Commerce as well as an additional expense to the vendors participating in the Apple Harvest Festival etc.

Trefethen moved to amend by leaving Item B intact in Section 133-7 and to remove the words "and obtaining the necessary permits" from Items C and E in Section 133-9, seconded by Colwell-Ellis.

Trefethen stated he would like to have street fairs remain exempt but does feel that the fees need to be adjusted for peddler/vendors.

Myers stated he would like to defeat this tonight as he is concerned that there will be confusion for the upcoming Apple Harvest Day. He would like to have another ordinance drafted to review in a workshop session and give plenty of notice to any events that it may have an impact.

Hindle agrees that this should be defeated tonight and would like to see this addressed again in November or December and if an agreement is reached it could be put into effect in the next fiscal year.

Motion to amend failed on a 1-4 vote, Trefethen in favor.
Motion to adopt FAILED on a 0-5 roll call vote.

D. RESOLUTIONS:

1. Resolution RE: Authority to Put City Property Up for Sale. Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Trefethen.

Joyal explained that an interested party has expressed an interest in purchasing the piece of city-owned property on Route 108, Durham Road which had been purchased by the City as a potential public works facility. He explained that in accordance with Chapter 79 of the City Code we must follow the procedure once an interest has been expressed. The City Manager has reviewed the request with the staff who have no objections to going out for a sealed bid.

DeDe is opposed to this because of the location of the property which is across from Farmwood Village and feels there will be a great deal of angst caused by any development of that property. He would like to see the Code changed to require 3 different appraisals be done to determine the true value of property before it can be disposed. He recalled that the Conservation Commission heard a great deal of outcry when the property was being proposed for the DPW facility.

Hindle asked if there is a pressing need to do this now.

Joyal again explained that in accordance with Chapter 79, City Property, Section 79-11 outlines the procedure which gives the City Manager 4 weeks to make a recommendation to the Council. He stated that the interested party has put down money to begin the process.

Hindle feels hesitant to vote without the other Councilors present.

Myers asked if this is passed, do the bids come back to the Council for approval and can we request an appraisal or do we have to take the highest bid.

Joyal stated that the resolution can be amended to require an appraisal be done in conjunction with this going out to bid if they want to do that. The Council does have final approval.

Trefethen agrees with DeDe's concerns but feels we shouldn't change the rules at this point. He asked how much the city paid for the property.

Joyal stated \$90,000.

Trefethen agrees that there was an outcry when the property was going to be used for the DPW, but that use would have been very noisy, but feels that there may still be some controversy regardless.

Myers asked if the zoning has been changed in that area.

Hindle clarified that it has not been rezoned and is an R-40 zone.

Colwell-Ellis agrees with DeDe that we should find out what the current value of the property is and asked when we purchased the property.

Joyal stated it was purchased in 1997.

Colwell-Ellis feels it is important to revalue the property at today's market rate.

Joyal stated that it is routine for the city to appraise its property through the Assessor's office and currently it is valued at \$122,000.00.

DeDe is concerned that it could actually go for 80% of that amount and gave an example of another piece of property that was sold under value.

Joyal explained that 80% is the minimum requirement and it can't be sold without Councilor approval first.

Discussion ensued regarding the time frame required to act upon this letter of interest and Council action.

Myers clarified that the City Manager and Department Heads have all agreed that we don't need to hold onto this property for any potential city use. Joyal stated that is correct. DeDe moved to amend to add that 3 separate appraisals be sought in conjunction with the sealed bid process, seconded by Hindle and Trefethen. Joyal asked that he add "the Purchasing Agent be authorized to solicit" to the amendment, DeDe and the motion seconders agreed.

Myers asked if his intention is to get 3 appraisals regardless of whether or not we get any bids. DeDe stated yes. Myers would rather wait and see if we get any bids before spending the money on appraisals. Discussion ensued regarding the cost of appraisals and it was estimated that the approximate cost would be \$1,000.00 for 3 appraisals. DeDe clarified that there is an amendment on the floor to be voted. Motion to amend passed on a 3-2 vote, Myers and Trefethen opposed.

Motion to adopt as amended passed on a 5-0 roll call vote.

2. Resolution RE: Award of Purchase Order for Purchase of #2 Heating Oil and Diesel Fuel via a pre-buy arrangement.

Sponsored by Mayor Scott Myers, by Request.

Hindle moved to adopt, seconded by Trefethen.

Trefethen stated that this is probably the right thing to do but this year it could be a crap shoot as the experts have been wrong all year.

Motion to adopt passed on a 5-0 roll call vote.

Hindle then discussed the rescheduling of the non-public session that was cancelled this evening due to the unavailability of the attorneys.

Myers stated that the first Wednesday of the month is set aside for Council Workshops and feels that August 4th would be a good option and would give the attorneys 2 weeks to get prepared.

DeDe asked if the attorneys could be provided with the Councilors contact information i.e., home, work and cell phones in case they have questions in the meantime.

Hindle stated that the attorneys have been given information thus far through the City Manager's Office but feels that there should be a single contact for the Council such as the Mayor.

The Mayor feels that this would be a good idea.

Hindle moved to make the Mayor the spokesperson to the Attorney for the Council, seconded by DeDe. Motion passed on a 5-0 vote.

E. ADJOURN

Hindle moved to adjourn at 7:30 p.m., seconded and passed unanimously.

Valerie A. French
Deputy City Clerk